

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLEN T. WATKINS,

Plaintiff,

-against-

NEW YORK CITY; NEW YORK CITY  
DEPARTMENT OF CORRECTION,

Defendants.

23-CV-4890 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated July 27, 2023, the Court directed Plaintiff to file an amended complaint within sixty days. On September 5, 2023, the order was returned to the Court with a notation on the envelope indicating that Plaintiff had been discharged from the facility.<sup>1</sup> Plaintiff has not complied with the Court's order, has failed to notify the court of a change of mailing address, and has not initiated any further contact with the court, written or otherwise. Accordingly, Plaintiff's complaint, filed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

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<sup>1</sup> Plaintiff was detained in the Anna M. Kross Center on Rikers Island at the time he filed this action. Public records maintained by the New York City Department of Correction ("DOC") indicate that Plaintiff is no longer in DOC custody.

The Clerk of Court is directed to enter judgment in this action.

SO ORDERED.

Dated: October 12, 2023  
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN  
Chief United States District Judge